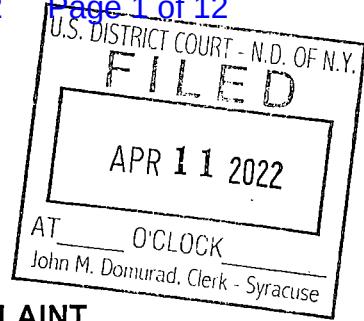


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Chauncey Girard



Plaintiff(s), (1) (2) (3) At Plaintiff  
 v. (LT) John Doe (John Doe) (John Doe) (John Doe) medical (John Doe)  
 (Dep) Barber (Co) Ballman (Co) Rodger (Co) medical (John Doe)  
 (Sgt) Dow (Co) Martin (Co) (Comm)  
 (Sgt) Gavera (Co) Hoit Anthony Annucci  
 (Sgt) Hanna (Nurse Administrator) M. O'Dea (LT) Bangari  
 (Sgt) Morale (Co) Tyler (Co) Castagnier  
 (Co) St Louis (Co) (Co) Eli  
 Defendant(s).

COMPLAINT  
(Pro Se Prisoner)Case No. \_\_\_\_\_  
(Assigned by Clerk's  
Office upon filing)Jury Demand  
 Yes  
 No

## NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

## I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

42 U.S.C. § 1983 (state, county, or municipal defendants)  
 *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)  
 (federal defendants)  
 Other (please specify) Federal 1983 Assault and Battery Sexual Assault

*Deliberate Indifference, failure to protect, Medical Indifference  
 Adverse Action taken in causal connection for my Protected Classes  
 Due Process Violation of 5<sup>th</sup> and 14<sup>th</sup> Amendment 8<sup>th</sup> Amendment  
 Hate Crime*

*Stay assault free  
 and to receive proper  
 medical*

## II. PLAINTIFF(S) INFORMATION

Name: Chavneey Girard  
 Prisoner ID #: 11A1352  
 Place of detention: Franklin C.F.  
 Address: P.O. Box 10  
Malone New York 12953

Indicate your confinement status when the alleged wrongdoing occurred:

- Pretrial detainee
- Civilly committed detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

N/A

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

## III. DEFENDANT(S) INFORMATION

Defendant No. 1: (Dep) Barber  
 Name (Last, First)  
(Dep of Program)  
 Job Title

Franklin C.F. Po Box 10  
 Work Address  
Malone New York 12953  
 City State Zip Code

Defendant No. 2: St Louis  
 Name (Last, First)  
Correction Officer  
 Job Title

Franklin C.F. P.O. Box 10

Work Address

Malone	New York	12953
City	State	Zip Code

Defendant No. 3:

(SGT) Hanna

Name (Last, First)

Franklin C.F. P.O. Box 10

Job Title

Franklin C.F. P.O. Box 10

Work Address

Malone	New York	12953
City	State	Zip Code

Defendant No. 4:

(Co) Castagnier

Name (Last, First)

Correctional Officer

Job Title

Franklin C.F. P.O. Box 10

Work Address

Malone	New York	12953
City	State	Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

#### IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

## Continued Defendant(s) Information for Franklin Assault, Battery

Defendant No. 5

(SGT) Dowd

Name (Last, First)  
(SGT)

Job Title  
Franklin C.F.

Work Address  
Malone New York 12953

City State Zip Code

Defendant No. 6

Morale (SGT)

Name (Last, First)  
(SGT)

Job Title  
Franklin C.F.

Work Address  
Malone New York 12953

City State Zip Code

Defendant No. 7

Goyena (SGT)

Name (Last, First)

Job Title  
Franklin C.F.

Work Address  
Malone New York 12953

City State Zip Code

Defendant No. 8

Ballman (Co)

Name (Last, First)  
Ballman (Co) Marshall

Job Title  
Franklin C.F.

Work Address  
Malone New York 12953

City State Zip Code

Defendant No. 9

Annucci Anthony

Name (Last, First)  
Commissioner

Job Title  
1220 Washington Ave Hammar State Campus

Work Address  
Albany New York 12226

City State Zip Code

## Continued Defendant(s) Information for Franklin Assault, Battery

Defendant	No. 10	<u>Bonjari (LT)</u>		
		Name (Last, First)		
		<u>(LT)</u>		
		Job Title		
		<u>Franklin C.F.</u>		
		Work Address	<u>Malone</u>	<u>New York</u>
		City	<u>New York</u>	<u>12953</u>
		State		Zip Code
Defendant	No. 11	<u>Martin (Co)</u>		
		Name (Last, First)		
		<u>(Co)</u>		
		Job Title		
		<u>Franklin C.F.</u>		
		Work Address	<u>Malone</u>	<u>New York</u>
		City	<u>New York</u>	<u>12953</u>
		State		Zip Code
Defendant	No. 12	<u>Rodgers (Co)</u>		
		Name (Last, First)		
		<u>Correction Officer</u>		
		Job Title		
		<u>Franklin C.F.</u>		
		Work Address	<u>Malone</u>	<u>New York</u>
		City	<u>New York</u>	<u>12953</u>
		State		zip Code
Defendant	No. 13	<u>Holt (Co)</u>		
		Name (Last, First)		
		<u>Correction Officer</u>		
		Job Title		
		<u>Franklin C.F.</u>		
		Work Address	<u>Malone</u>	<u>New York</u>
		City	<u>New York</u>	<u>12953</u>
		State		Zip Code
Defendant	No. 14	<u>Tyler RN</u>		
		Name (Last, First)		
		<u>Registered Nurse</u>		
		Job Title		
		<u>Franklin C.F.</u>		
		Work Address	<u>Malone</u>	<u>New York</u>
		City	<u>New York</u>	<u>12953</u>
		State		Zip Code

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

On the Month of 4-20-2021 I was transferred Clinton C.F. to this facility with broken

Injuries of a back injury, a left shoulder injury with loss of Range of Motion, Stomach injury in which I have Blood in Urine, and Right Eye Injury that was lossing eye sight, in which I complained to the Medical Department and they put me in the front B-2 Dorm Medical Dorm, in which my injuries became worst so I put in Grievances and Once I started putting in Grievances Medical stopped Doing there job and became Deliberate Indifferent As I was, then Denied my medical passes for my back, left shoulder and Stomach, Front Main Passes all expiroed and the Nurses failed to renew them, in which I was then moved to K-2 Dorm in which on the Date of 5-7-11-2021 I put in for Emergency Sick Call and instead of going to Emergency Sick Call I was taken into the Laundry Room and Assaulted by (Co) J. St Louis punched in my right eye, splitting it in which it need 10 stitches and went to a Outside Doctor, (Sgt) Goyera stated to say it was a slip and fall at the time of response, and F told him to that not what happen and (Co) Holt slammed my face on the wall with existing injuries, I told him I have injuries, in which he continued to smack me in front of (Sgt) Goyera, I went to the Hospital and received Stitches at Albany Medical (See Records 7-12-2021 from Albany Medical and Pictures taken) I was with a Orbital Fracture, Frankli C.F. tryed to Cover it up and the Medical Department as well in which F told the truth at Albany Medical, I came back to the Infirmary and (RN) Tyler Denied me pain Medication the whole time and would often come in with (Co) Holt and threaten me, I seen Dep Barber During her Rounds in the Infirmary (See Extra Page of Complaint Attached)

#### V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

Battery Assult ~~and~~ Continued Complaint of 1983 at Franklin C.F.

In which I stoped her and at that time I showed her my Stitches and Stated that: ~~She~~ ~~to~~ to me: "I know what your here for and because you said My officers assaulted you I'm not going help you. At that time no later then a half a hour (Co) Holt Come in with (RN) Tyler and threatened me stating your lucky your hurt or I would punch in the face myself. I was denied further medical attention when she worked (RN) Tyler, would try and intimidate me by stating I'm going to get the officers in here to Kick your ass. so I would not request for medical. (See Affidavits 128-2 (DR) pretty word) State the Officers did this to you? I stated yes, she stated then I can't help. I would then get out and Grieve this (See Grievance FKN-0217-21 and FKN-0207-21 Assaulted by Staff, In which (SGT) Goyena and officer Lewis conspired together to bring retaliation because I stated to them that they beat me up, I was still kept in the back of the facility with the new existing injuries on top of already injuries they wrote me a ticket and further denied medical treatment, where I could only walk a mile to go to the mess hall other cell out of the facility with the existing injuries and they became worst, for two months I then Grieved it and was placed in the front of the Facility. (See Grievace FKN-0205-21) in which (LT) John Doe gave me the max of everything loss of everything packages, Cammoufy, phones, after I told him I was assaulted by staff they kept it a tier ~~2~~ to keep it in house. I continued to grieve (SGT) Dowd would sexually assault me by taking me in a empty room and verbally threats me. See (See Grievance ) Second Assult and Battery, Sexual Retaliation

Failure to Protect Deliberate Indifference Medical Indifference Violation of Due Process 8<sup>th</sup> 1<sup>st</sup>, 5<sup>th</sup>, 14<sup>th</sup>, and all violations explained including A Hate Crime, just before this I was put on a fake Draft 10-7-2021 and my legal work was taken by (Co) Martin (Anthony Amrucci) never put me back on Draft kept me here to get assaulted again

On the Date of 2-14-2022 I had a Law Library (Call out) at 4: PM (Co) Eli was at the Law Library in which I entered the Activity Building and the Hall monitor just before you get to the

Assault and Battery , Sexual Assaults Complaint of 1983 at Franklin CF Con.

to the law library (Co) Castagnier would ask me for ID I gave it to him he told me to step to the side and ask for my paper work I gave it to him after he took the papers he started to read them and stated "Quote on Quote" you like to see Officers. I stated to him you can't read my paper work, he said Shut the fuck up Nigger, I remained silent he said ~~go back~~ get your paper work and Go back I grabbed my paper work, then he followed me I got out the door and he stated give me your ID, AND gave me a Direct Order to come back to the Activity Building, Once Again I followed and went in, As soon as I got into the entrance him and (Co) Ballman Closed the door and (Co) Ballman would choke me and Slam my face on the wall calling me a nigger I was punched in the face by (Co) Ballman twice I told him I have a back permit, left shoulder ~~penis~~, and a right orbital fracture they both stated where are they at: back permit thrown, (Co) Castagnier would hit me in the back twice, while (Co) Ballman continued to choke me and punch me in face and calling me a nigger "Hate Crime" 8th Amendment Violation Maliciously and sadistically without any disregard for life, Then (Co) Castagnier and 8 other (Co) including two (Sgt)s (Sgt) Marra (Sgt) Morale in which (Co) Castagnier he grabbed my Genital and to hurt it was unwanted and unwarranted I tried to move turn around and (Co) Ballman punched me in the dick and I ask Both (Sgt)s are you going to just let them do this, and (Co) Castagnier stated he has a little dick and every (Co) who was there started to laugh and I felt humiliated and (Co) Ballman both hit me twice they handcuffed me and tried to cover it up by trying to move me to the back of the facility. (Sgt) Morale in which they would make a hardship.

Assault and Battery, Sexual Assault Complaint of 1983 at Franklin CF 3PG

In which they would deny me medical Attention and treatment and I had to state I was suicidal in order to receive treatment 2-15-2022 and a "Pre" was Documented. While down there on 2-20-2022 ((0) Rodgers would threaten to kill me calling me a nigger in the infirmary in which I still had existing injuries in which my face was three times bigger then normal size do still damaged nerves in face a bruise the size of a ~~bowling~~ Bowling ball on my leg, Bruises on Back, Blood in Urine, bruise on face all over, nobody on the outside helped and I was brought back here false charges were made, in which I was Violated my Due Process right to Documentary Evidence, (LT) Ranger would fail to give me any Documents and I ~~had~~ made objections and he would constantly get loud and state he's going to find a way to throw me out and all I did was calmly object to his investigation and the false ticket and the fact of not having any Documents and that I was assaulted. In which he gave me the Max Loss of phones, packages, tablet, Commissary, and Recreation, to keep me away from family. I am still here receiving threats from ((0) Kostoyer stating on when he worked the Niggers still here ((0) Eli is stating to other Officers yeah we really fucked that nigger up and, he at the time could have help and was deliberate indifferent (see Gneuve) I'm still not safe there no cameras OJT was called I would like his testimony I am being Denied my Medical Records and VI Reports. All are personally Involved to cause more pain hurt and anguish I still hurt and need surgery for all pending injuries

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

**FIRST CLAIM**

Excessive force 8th Amendment Sexual Assault  
8th Amendment Violation hate Crime Color  
of my skin and Race I was Assaulted

**SECOND CLAIM**

Adverse Action, In Causal Connection  
to my Pending 1983, and Other Law Suits  
for my Protected Conduct

**THIRD CLAIM**

Violation of Due Process I was given  
The Max on everything and I had no  
Documents UJ Reports just because I told the truth I was  
Assaulted

**VI. RELIEF REQUESTED**

State briefly what relief you are seeking in this case.

25,000,000; <sup>00</sup> Twenty five Million Dollars

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 4/8/2022



Plaintiff's signature  
(All plaintiffs must sign the complaint)

## AFFADAVIT OF SERVICE

**NAME OF DOCUMENTS:** Complaint 1983

I, Cherryf Grand, being duly sworn, deposes and says :  
That I have on this 3<sup>rd</sup> day of April, 2022, placed and submitted the copies of the within documents and or moving papers as indicated above, to be duly mailed via the US Postal Services, through the institutional mailroom here at Franklin CF., 62 Bare Hill Road, PO Box 10, Malone, New York 12953-0010, in a pre-paid first class wrapper to the following

parties:

parties:  
Clerk of the Court  
Northern District of New  
York  
James Flanley  
(00) South Clinton Po Box 7367  
Syracuse 13261-7367

SWORN TO BEFORE ME THIS

3<sup>rd</sup> DAY April, 2022.

Deborah A. Gumbus  
Notary Public

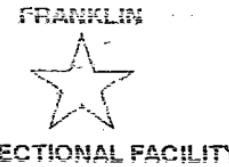
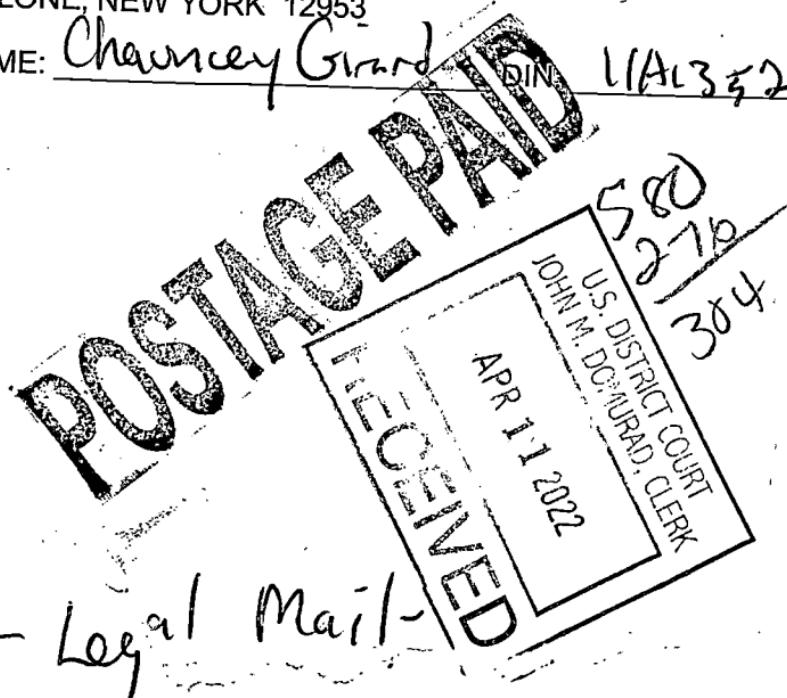
Deborah A. Gumbus  
Reg. No. 01GU6304688  
Qualified in Franklin County  
Commission Expires June 2, 2027

Franklin Correctional Facility  
62 Bare Hill Road, PO Box 10  
Malone, New York 12953-0010

—

FRANKLIN CORRECTIONAL FACILITY  
62 BARE HILL ROAD, P.O. BOX 10  
MALONE, NEW YORK 12953

NAME: Chawney Grind DIN: 11AL352



POSTAGE  
04/07/2022  
POSTAGE \$002.76



ZIP 12953  
041L11251101

Clerk of the Northern District of  
New York James Hanley  
100 South Clinton, Po Box 7367  
Syracuse New York  
13261-7367